

ORDINANCE NO. 2017-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 16, PARKS AND RECREATION, PROHIBITING POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT CITY PARKS, PROVIDING CLOSING HOURS OF CITY PARKS, PROVIDING THE AUTHORITY TO DESIGNATE TOBACCO-FREE AREAS TO THE PARKS AND RECREATION BOARD, AND PROHIBITING FIREARMS, WEAPONS, AND EXPLOSIVES IN CITY PARKS; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500); DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Grapevine, Texas (the "City") is a home rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, the City Council of the City of Grapevine, Texas (the "City Council") finds and determines that the primary purpose for these regulations is to establish rules and regulations for the City's parks and public spaces that will help make the parks and public areas safe, well-maintained, and free from any public nuisance activity; and

WHEREAS, Tex. Local Gov't Code § 229.001(b)(6)(A) authorizes a municipality to adopt regulations related the carrying of a firearm or air gun at a public park by a person other than a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code, and the City Council wishes to adopt such regulations; and

WHEREAS, the City Council finds and determines that the regulations adopted herein do not infringe upon an individual's right to possess a firearm for traditionally lawful purposes; and

WHEREAS, the City Council deems the passage of this ordinance as necessary to protect the public, health, safety, and welfare; and

WHEREAS, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance, including but not limited to the Open Meetings Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS:

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That the Code of Ordinances Section 16-6 shall be amended and replaced, and shall read as follows:

Sec. 16-6. - Same—Prohibited.

- (a) Except as provided by Subsection (b), it shall be unlawful for any person to possess or consume any alcoholic beverage in a public park of the city.
- (b) Consumption of alcoholic beverages is permitted at Grapevine Lake and the reservoir area as provided by Section 16-55.

Section 3. That subsection (c) in Section 16-14 of the Code of Ordinances shall be amended and replaced, and shall read as follows:

- (c) All other park areas owned or leased by the city shall be closed to the public from 10:00 p.m. until 5:00 a.m. each day, except as provided by authorization from the City Manager or the City Manager's designee.

Section 4. That subsection (b) in Section 16-18 of the Code of Ordinances shall be amended and replaced, and shall read as follows:

- (b) The Council shall designate any city owned or leased park or park facility as tobacco and E-cigarette free and upon such designation, the city manager or the City Manager's designee is authorized to post signs giving notice that such action is prohibited in such park or park facility.

Section 5. That Code of Ordinances Chapter 16, Parks and Recreation, Article I, In General is amended by adding Sections 16-20 to 16-21, which shall read as follows:

Sec. 16-20. - Firearms and other weapons.

- (a) It shall be unlawful for a person, other than peace officers and those persons licensed to carry a handgun under the authority of Subchapter H, Chapter 411, Government Code, to possess, exhibit or display a firearm or air gun in any public park, athletic field, or recreational facility.
- (b) It shall be unlawful to discharge a firearm or any other hunting device within, across, or on any public park or recreational facility.
- (c) Except as provided by subsection (a), it shall be unlawful for a person to possess a bow and arrow, a crossbow, or any other dangerous weapon as defined and listed in Texas Penal Code Section 46.01, as amended.

- (d) For the purposes of this section, "handgun" has the meaning assigned by Texas Penal Code Section 46.01(5), as amended.
- (e) For the purposes of this section, "air gun" means any gun that discharges a pellet, BB, or paintball by means of compressed air, gas propellant, or a spring.
- (f) This section does not apply to possession of a firearm at Grapevine Lake and the reservoir area, which is governed by Article III of this Chapter.

Sec. 16-21. – Permit required for non-sponsored organized groups and commercial trainers

- (a) It shall be unlawful for a person to manage or participate in any non-sponsored organized group activity in a city park, athletic field, or facility without first obtaining authorization by permit from the director of parks and recreation or the director's designee.
- (b) It shall be unlawful for a person to provide fitness programs, activity instruction or athletic instruction for compensation in any city park, lake park, athletic field, or facility without first obtaining authorization by permit from the director of parks and recreation or the director's designee.
- (c) The Parks and Recreation Department shall promulgate regulations implementing this section, which address the authorization system, permit types, requirements and methods of issuance, limits on locations, hours and group size restriction and other regulations as needed.
- (d) For the purposes of this section, "non-sponsored organized group activity" means an organized group not officially recognized by, permitted through or contracted with the City of Grapevine Parks and Recreation Department that is engaged in various athletic activities, including but not limited to gaming events that involve the use of a baseball, softball, kickball, volleyball, football, soccer, rugby, lacrosse, or frisbee.

Section 6. That Code of Ordinances Chapter 16, Parks and Recreation, Article I, In General, Sections 16-22 to 12-30 is amended, which shall read as follows:

Secs. 16-22—16-30. – Reserved.

Section 7. That the Code of Ordinances Section 16-48 shall be amended and replaced, and shall read as follows:

Sec. 16-48. - Explosives, firearms, other weapons and fireworks

Pursuant to 36 C.F.R. § 327.13, the possession of explosives, firearms, weapons and fireworks is prohibited at Grapevine Lake and the reservoir area, unless otherwise permitted by federal law.

Section 8. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed five hundred dollars (\$500.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 9. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court or competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 10. That the fact that the present ordinances and regulations of the City of Grapevine, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.


PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 7th of March, 2017.

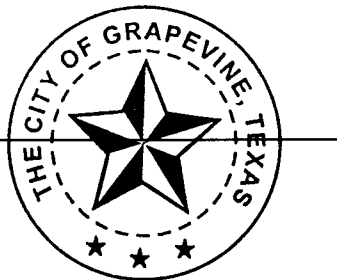
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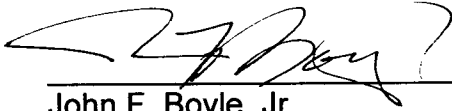
William D. Tate  
Mayor

ATTEST:

  
Tara Brooks  
City Secretary



APPROVED AS TO FORM:

  
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John F. Boyle, Jr.  
City Attorney